

104TH CONGRESS
1ST SESSION

H. R. 402

To amend the Alaska Native Claims Settlement Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Alaska Native Claims Settlement Act, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RATIFICATION OF CERTAIN CASWELL AND**
4 **MONTANA CREEK NATIVE ASSOCIATIONS**
5 **CONVEYANCES.**

6 The conveyance of approximately 11,520 acres to
7 Montana Creek Native Association, Inc., and the convey-
8 ance of approximately 11,520 acres to Caswell Native As-
9 sociation, Inc., by Cook Inlet Region, Inc. in fulfillment
10 of the agreement of February 3, 1976, and subsequent
11 letter agreement of March 26, 1982, among the three par-

1 ties are hereby adopted and ratified as a matter of Federal
2 law. These conveyances shall be deemed to be conveyances
3 pursuant to section 14(h)(2) of the Alaska Native Claims
4 Settlement Act (43 U.S.C. 1613(h)(2)). The group cor-
5 porations for Montana Creek and Caswell are hereby de-
6 clared to have received their full entitlement and shall not
7 be entitled to the receipt of any additional lands under
8 the Alaska Native Claims Settlement Act. The ratification
9 of these conveyances shall not have any other effect upon
10 section 14(h) of the Alaska Native Claims Settlement Act
11 (43 U.S.C. 1613(h)) or upon the duties and obligations
12 of the United States to any Alaska Native Corporation.
13 This ratification shall not be the basis for any claim to
14 land or money by Caswell or Montana Creek group cor-
15 porations or any other Alaska Native Corporation against
16 the State of Alaska, the United States, or Cook Inlet Re-
17 gion, Incorporated.

18 **SEC. 2. MINING CLAIMS AFTER LANDS CONVEYED TO ALAS-**

19 **KA REGIONAL CORPORATION.**

20 Section 22(c) of the Alaska Native Claims Settlement
21 Act (43 U.S.C. 1621(c)) is amended by adding at the end
22 the following:

23 “(3) This section shall apply to lands conveyed by in-
24 terim conveyance or patent to a regional corporation pur-
25 suant to this Act which are made subject to a mining claim

1 or claims located under the general mining laws, including
2 lands conveyed prior to enactment of this paragraph. Ef-
3 fective upon the date of the enactment of this paragraph,
4 the Secretary, acting through the Bureau of Land Man-
5 agement and in a manner consistent with section 14(g)
6 of this Act, shall transfer to the regional corporation ad-
7 ministration of all mining claims determined to be entirely
8 within lands conveyed to that corporation. Any person
9 holding such mining claim or claims shall meet such re-
10 quirements of the general mining laws and section 314
11 of the Federal Land Management and Policy Act of 1976
12 (43 U.S.C. 1744), except that any filings which would
13 have been made with the Bureau of Land Management
14 if the lands were within Federal ownership shall be timely
15 made to the appropriate regional corporation. The validity
16 of any such mining claim or claims may be contested by
17 the regional corporation, in the place of the United States.
18 All contest proceedings and appeals by the mining claim-
19 ants of adverse decisions made by the regional corporation
20 shall be brought in Federal District Court for the District
21 of Alaska. Neither the United States nor any Federal
22 agency or official shall be named or joined as a party in
23 such proceedings or appeals. All revenues from such min-
24 ing claims received after passage of this paragraph shall
25 be remitted to the regional corporation subject to distribu-

tion pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim or claims so conveyed.”.

SEC. 3. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

“CLAIMS ARISING FROM CONTAMINATION OF
TRANSFERRED LANDS

“SEC. 40. (a) As used in this section:

“(1) The term ‘contaminant’ means hazardous substances harmful to public health or the environment, including asbestos.

“(2) The term ‘lands’ means real property transferred to an Alaska Native Corporation pursuant to this Act.

“(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the

1 Committee on Resources of the House of Representatives
2 and the Committee on Energy and Natural Resources of
3 the Senate, a report addressing issues presented by the
4 presence of hazardous substances on lands conveyed or
5 prioritized for conveyance to such corporations pursuant
6 to this Act. Such report shall consist of—

7 “(1) existing information concerning the nature
8 and types of contaminants present on such lands
9 prior to conveyance to Alaska Native corporations;

10 “(2) existing information identifying the exist-
11 ence and availability of potentially responsible par-
12 ties for the removal or amelioration of the effects of
13 such contaminants;

14 “(3) identification of existing remedies; and

15 “(4) recommendations for any additional legis-
16 lation that the Secretary concludes is necessary to
17 remedy the problem of contaminants on such
18 lands.”.

19 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE**
20 **PURPOSES OF IMPLEMENTING REQUIRED**
21 **RECONVEYANCES.**

22 Section 14(c) of Alaska Native Claims Settlement Act
23 (43 U.S.C. 1613(c)) is amended by adding at the end the
24 following:

1 “There is authorized to be appropriated such sums as may
2 be necessary for the purpose of providing technical assist-
3 ance to Village Corporations established pursuant to this
4 Act in order that they may fulfill the reconveyance require-
5 ments of section 14(c) of this Act. The Secretary may
6 make funds available as grants to ANCSA or nonprofit
7 corporations that maintain in-house land planning and
8 management capabilities.”.

9 **SEC. 5. NATIVE ALLOTMENTS.**

10 Section 1431(o) of the Alaska National Interest
11 Lands Conservation Act (94 Stat. 2542) is amended by
12 adding at the end the following:

13 “(5) Following the exercise by Arctic Slope Regional
14 Corporation of its option under paragraph (1) to acquire
15 the subsurface estate beneath lands within the National
16 Petroleum Reserve—Alaska selected by Kuukpik Corpora-
17 tion, where such subsurface estate entirely surrounds
18 lands subject to a Native allotment application approved
19 under section 905 of this Act, and the oil and gas in such
20 lands have been reserved to the United States, Arctic
21 Slope Regional Corporation, at its further option, shall be
22 entitled to receive a conveyance of the reserved oil and
23 gas, including all rights and privileges therein reserved to
24 the United States, in such lands. Upon the receipt of a
25 conveyance of such oil and gas interests, the entitlement

1 of Arctic Slope Regional Corporation to in-lieu subsurface
 2 lands under section 12(a)(1) of the Alaska Native Claims
 3 Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced
 4 by the amount of acreage determined by the Secretary to
 5 be conveyed to Arctic Slope Regional Corporation pursu-
 6 ant to this paragraph.”.

7 **SEC. 6. REPORT CONCERNING OPEN SEASON FOR CERTAIN**
 8 **NATIVE ALASKAN VETERANS FOR ALLOT-**
 9 **MENTS.**

10 (a) IN GENERAL.—No later than six months after the
 11 date of enactment of this Act, the Secretary of the Inte-
 12 rior, in consultation with the Secretary of Agriculture, the
 13 State of Alaska and appropriate Native corporations and
 14 organizations, shall submit to the Committee on Resources
 15 of the House of Representatives and the Committee on
 16 Energy and Natural Resources of the Senate, a report
 17 which shall include, but not be limited to, the following:

18 (1) The number of Vietnam era veterans, as de-
 19 fined in section 101 of title 38, United States Code,
 20 who were eligible for but did not apply for an allot-
 21 ment of not to exceed 160 acres under the Act of
 22 May 17, 1906 (Chapter 2469; 34 Stat. 197), as
 23 such Act was in effect before December 18, 1971;

24 (2) an assessment of the potential impacts of
 25 additional allotments on conservation system units

1 as such term is defined in section 102(4) of the
2 Alaska National Interest Lands Conservation Act
3 (94 Stat. 2375); and

4 (3) recommendations for any additional legisla-
5 tion that the Secretary concludes is necessary.

6 (b) REQUIREMENT.—The Secretary of Veterans Af-
7 fairs shall release to the Secretary of the Interior informa-
8 tion relevant to the report required under subsection (a).

9 **SEC. 7. TRANSFER OF WRANGELL INSTITUTE.**

10 (a) PROPERTY TRANSFER.—Cook Inlet Region, In-
11 corporated, is authorized to transfer to the United States
12 and the General Services Administration shall accept an
13 approximately 10-acre site of the Wrangell Institute in
14 Wrangell, Alaska, and the structures contained thereon.

15 (b) RESTORATION OF PROPERTY CREDITS.—

16 (1) IN GENERAL.—In exchange for the land
17 and structures transferred under subsection (a),
18 property bidding credits in the total amount of
19 \$382,305, shall be restored to the Cook Inlet Re-
20 gion, Incorporated, property account in the Treasury
21 established under section 12(b) of the Act of Janu-
22 ary 2, 1976 (Public Law 94–204; 43 U.S.C. 1611
23 note), referred to in such section as the “Cook Inlet
24 Region, Incorporated, property account”. Such prop-

1 erty bidding credits shall be used in the same fiscal
2 year as received by Cook Inlet Region, Incorporated.

3 (2) HOLD HARMLESS.—The United States shall
4 defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims
5 arising from Federal or Cook Inlet Region, Incorporated, ownership of the land and structures prior
6 to their return to the United States.
7

8
9 **SEC. 8. SHISHMAREF AIRPORT AMENDMENT.**

10 The Shishmaref Airport, conveyed to the State of
11 Alaska on January 5, 1967, in Patent No. 1240529, is
12 subject to reversion to the United States, pursuant to the
13 terms of that patent for nonuse as an airport. The Secretary is authorized to reacquire the interests originally
14 conveyed pursuant to Patent No. 1240529, and, notwithstanding any other provision of law, the Secretary shall
15 immediately thereafter transfer all right, title, and interest
16 of the United States in the subject lands to the
17 Shishmaref Native Corporation. Nothing in this section
18 shall relieve the State, the United States, or any other
19 potentially responsible party of liability, if any, under existing law for the clean up of hazardous or solid wastes
20 on the property, nor shall the United States or Shishmaref
21 Native Corporation become liable for the cleanup of the
22
23
24

- 1 property solely by virtue of acquiring title from the State
- 2 or from the United States.

